

**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY**

Complaint of MCI WorldCom, Inc. Against New England Telephone and Telegraph Company, d/b/a Bell Atlantic-Massachusetts
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D.T.E. 97-116

Complaint of Global NAPS, Inc. Against New England Telephone and Telegraph Company, d/b/a Bell Atlantic-Massachusetts

D.T.E. 99-39

**JOINT MOTION OF GLOBAL NAPS, INC. AND MCI WORLD
COMMUNICATIONS, INC. TO AMEND PROCEDURAL SCHEDULE
AND EXTEND THE TIME FOR FILING BRIEFS**

On October 24, 2002, the Department issued its “Procedural Schedule on Remand” in these cases. In that Procedural Schedule, the Department indicated that it “will shortly file a motion for stay” of the federal court decision declaring that the Department’s D.T.E. 97-116-C (1999) D.T.E. 97-116-D, D.T.E. 97-116-E (2000), and D.T.E. 97-116-F (2000) Orders did not comply with federal law, and that the Department’s D.T.E. 97-116 (1998) Order did comply with federal law. The Department concluded that it should nonetheless proceed with the remand, and set a briefing schedule calling for briefs on November 8, 2002 and reply briefs on November 15, 2002.

As yet, however, the Department has not filed the stay application either with the federal district court or with the United States Court of Appeals for the First Circuit. As the Department recognizes, this matter involves issues with substantial financial stakes. The current schedule places the parties in a position of having to complete the significant expense of briefing for a proceeding that the Department evidently thinks it should not

have to undertake. This briefing will be unnecessary if the Department's stay is granted or the proceeding otherwise does not go forward.

Accordingly, Global NAPs, Inc. and MCI WorldCom Communications, Inc. propose that briefs be due two weeks after disposition on the motion to stay with reply briefs due one week later, or another date that has a more realistic relationship to the Department's efforts to seek a stay. In the alternative, the moving parties request that briefs be due no sooner than December 2, 2002 and replies seven days later.

Respectfully submitted,

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